

MALVERN HILLS AONB JOINT ADVISORY COMMITTEE

POSITION STATEMENT 3: LANDSCAPE-LED DEVELOPMENT

1.0 CONTEXT

1.1 The Malvern Hills Area of Outstanding Natural Beauty (MH AONB) is a landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard it¹. The statutory purpose of its designation is to conserve and enhance the natural beauty of the area².

1.2 The MH AONB is also a living and working landscape in which the social and economic well-being of local communities are important considerations. Maintaining vibrant and thriving local communities is essential to the long-term future of the AONB. As such, the AONB cannot be considered exempt from the need for new housing and other development. Indeed, the right development in the right place can potentially play a positive role in helping to conserve and enhance the natural beauty of the AONB.

1.3 The MH AONB also needs to play a role in addressing the current ecological and climate emergencies, for example, through the implementation of appropriate measures to mitigate and adapt to the impacts of climate change.

1.4 However, achieving these aspirations needs to be delivered in a way that is compatible with – and positively contributes to – the statutory purpose of designation. To not do so would undermine:

- the statutory purpose of designation;
- the principle that safeguarding Areas of Outstanding Natural Beauty (AONBs); is in the national interest;
- the aspirations and goals of the Government's 25 Year Environment Plan³;

¹ Section 82 of the Countryside and Rights of Way Act 2000

² Defra (2019) *Areas of Outstanding Natural Beauty: technical support scheme (England) 2019 to 2020*

³ The Government's 25 Year Environment Plan aspires for us to be the first generation to leave the environment in a better state than we found it. As part of this aspiration, it proposes to embed an 'environmental net gain' principle for development. In addition, it sets a goal that 'we will conserve and enhance the beauty of our natural environment ... by ... safeguarding and enhancing the beauty of our natural scenery and improving its environmental value while being sensitive to considerations of its heritage'.

- the proposals of the Government-commissioned Landscapes Review Final Report⁴;
- the vision, outcomes, ambitions and policies of the Malvern Hills AONB Management Plan;
- efforts to restore and enhance the natural beauty of the Malvern Hills AONB;
- the Government's assertions that: (i) meeting housing need is never a clear reason to cause unacceptable harm to protected landscapes⁵; and (ii) our Areas of Outstanding Natural Beauty (AONBs) will be protected as the places, views and landscapes we cherish most and passed on to the next generation⁶; and – more recently - (iii) protecting and improving the environment and tackling climate change are central considerations in planning. In principle, planning policies and decisions can support this in 6 main ways: protecting important natural, landscape and heritage assets, whilst also incorporating nature, landscape and public space into development and its surroundings; supporting habitat creation and nature recovery in ways which benefit nature and people. For instance, nature based solutions can store carbon, assist adaptation (e.g. by reducing water run-off rates) and protect and enhance ecology; promoting locational and design decisions that reduce exposure to pollution and hazards and respond to changing climate conditions, for example the risk of overheating, surface-water flooding, and water scarcity; enabling renewable and low carbon energy production and distribution, at both a commercial and household scale; and policies for regulating carbon-generating extraction and energy generation; promoting development locations, and designs and layouts, that contribute to healthier lifestyles, energy and resource efficiency consumption, for example by reducing the need to travel, increasing public transport connectivity and accessibility and promoting active travel i.e. walking, wheeling and cycling; and bringing together the spatial strategy for a place in a way which addresses these in a holistic way and reflects its unique characteristics, whilst also providing a clear framework for development and regeneration⁷.

1.5 National planning policy and guidance helps to address this issue by making it clear that:

- great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which, together with National Parks and the Broads, have the highest status of protection in relation to these issues;
- the scale and extent of development in AONBs should be limited;

⁴ The 'Landscapes Review Final Report' sets out 27 proposals relating to our protected landscapes, including stronger purposes in law for our 'national landscapes' (proposal 23) and for AONBs to be strengthened with new purposes, powers and resources (proposal 24).

⁵ Government response to the local housing need proposals in 'Changes to the current planning system' – updated 16 December 2020

⁶ Statement by the Secretary of State for Housing, Communities and Local Government, when launching the consultation on the Planning White Paper in August 2020

⁷ 22 December 2022 Levelling-up and Regeneration Bill: reforms to national planning policy consultation statement.

- planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest;
- policies for protecting AONBs may mean that it is not possible to meet objectively assessed needs for housing and other development in full⁸;
- AONBs are unlikely to be suitable areas for accommodating unmet needs arising from adjoining, non-designated areas⁹.

2.0 PURPOSE OF THE POSITION STATEMENT

2.1 The primary purpose of the MH AONB Partnership's position statements is to expand on relevant policies in the current MH AONB Management Plan. They provide further context, guidance and recommendations in relation to specific policies and associated issues. They are not intended to create new policies.

2.2 For this position statement, the most relevant MH AONB Management Plan policies include (but are not restricted to):

- Policy LWP1: Produce and adhere to community-led plans, strategies and statements (such as Neighbourhood Development Plans) that conserve and enhance the natural beauty of the AONB and encourage and maintain the vitality and diversity of rural community life.
- Policy LWP4: Support the provision of a variety of housing that is appropriate to the character of the area and meets local community needs.
- Policy BDP1: Allocations of land for development in the AONB and its setting should be informed by Landscape Sensitivity and Capacity Assessments and/or Landscape and Visual (Impact) Assessments, as appropriate.
- Policy BDP2: Development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership.
- Policy BDP3: Development in the AONB should be based on convincing evidence of local need. Priority should be given to the provision of affordable housing and enhancing local services.
- Policy BDP4: Development proposals that may affect land in the AONB, including those in its setting, should protect and/or enhance key views and landscape character. AONB guidance relating to views and development in views should be used where relevant.
- Policy BDP13: "The cumulative impact of small-scale change and development will be monitored. Data gathered will be used to inform decisions and to revise and/or develop policy"
- Policy BDP14: "Local Planning Authorities should consider identifying locally important landscape areas to conserve the special qualities and features of the AONB and their enjoyment by people."

⁸ Planning Practice Guidance – Natural Environment: paragraph 41

⁹ Planning Practice Guidance – Natural Environment: paragraph 41

2.3 The Partnership's position statements are also intended to help plan-making bodies (such as local authorities and neighbourhood plan groups), developers and other relevant stakeholders:

- to have regard to – and positively contribute to - the purpose of AONB designation;
- to ensure that the purpose of AONB designation is not compromised by development and that the natural beauty of the MH AONB is conserved and enhanced;
- to fulfil the requirements of the National Planning Policy Framework and Planning Practice Guidance (or, where relevant, National Policy Statements) with regards to AONBs and the factors that contribute to their natural beauty;
- to take account of relevant case law;
- to have regard to and be consistent with the AONB Management Plan and guidance published by the Board;
- to emulate best practice in the MH AONB and other protected landscapes;
- to develop a consistent and coordinated approach to relevant issues across the whole of the MH AONB and its setting¹⁰.

2.4 With regards to best practice, this position statement has been inspired by the Cotswold National Landscape's Management Plan 2023-2025 and modelled significantly on their Landscape-Led Development Position Statement. It is also inspired by the landscape-led approach of the South Downs Local Plan and the Arnside & Silverdale AONB Development Plan Document. Appendix 1 of this position statement provides case studies of both these latter documents.

3.0 STATUS OF THE POSITION STATEMENT

3.1 The Partnership's position statements are supplementary – and subsidiary - to the Malvern Hills AONB Management Plan. However, it is worth noting that Policy BDP2 in the MH AONB 2019-2024 states that *“development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership”*. As such, for development proposals to be compatible with the AONB Management Plan, they should also be compatible with the relevant position statements.

3.2 The AONB Management Plan may be a material consideration in planning decisions. However, we acknowledge that, in a plan-led planning system, it is the policies of the relevant adopted local authority development plan that have the greatest weight in planning decisions. As such, within this planning system, the hierarchy of development plans, AONB Management Plan and position statements is as follows:

- Local authority development plan.
- AONB Management Plan.

¹⁰ Three local authority areas overlap with the MH AONB, with each with local authority having its own development plan, one of which (Malvern Hills District Council) being in the form of a joint plan for South Worcestershire Councils (with Worcester City and Wychavon).

- Position statements.

4.0 ACHIEVING THE RIGHT BALANCE

4.1 The MH AONB Partnership recognises that there are a range of other considerations that must be weighted in the planning balance, including the climate and ecological emergencies (see below) and meeting housing needs and economic growth.

4.2 However, ideally, there should not have to be a binary choice between conserving and enhancing the natural beauty of the MH AONB and planning for and permitting new development. As outlined above, the aspiration should be to deliver new development in a way that is compatible with – and positively contributes to – the purpose of AONB designation.

4.3 It should be noted that, for major development (in the context of paragraph 177 of the NPPF), it is not simply a case of weighing all material considerations in a balance - planning permission should be refused unless it can be demonstrated that: (i) there are exceptional circumstances, and (ii) despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development is in the public interest¹¹.

4.4 We hope that this position statement will help to ensure that the right balance is achieved across the whole of the MH AONB.

5.0 CLIMATE AND ECOLOGICAL EMERGENCIES

5.1 All three of the local authorities that overlap with the MH AONB area have declared climate and / or ecological emergencies.

5.2 In principle, the Partnership supports measures to mitigate and adapt to climate change and to halt and reverse declines in biodiversity. These aspirations are reflected in the MH AONB Management Plan 2019-2024, the MH AONB Nature Recovery Plan 2022 and Guidance documents¹².

5.3 It should be possible to deliver many of these measures in a way that is compatible with the purpose of AONB designation. However, where relevant development proposals or allocations come forward that have the potential to have a significant adverse impact on the purpose of AONB designation, they should be deemed to be major development, in the context of paragraph 177 of the NPPF.

¹¹ R (Mevagissey Parish Council) v Cornwall Council [2013] EHC 3684 (Admin), paragraph 51: ‘The planning committee are required, not simply to weigh all material considerations in a balance, but to refuse an application unless they are satisfied that...’

¹² The Partnership is continually reviewing and updating its guidance to address these Climate Change by helping to reduce carbon emissions through mitigation and by supporting environmental adaptations to make the area more resilient to changing conditions. Such guidance includes, but is not restricted to, the Partnership’s Nature Recovery Strategy and our Guidance on Renewable Energy Technologies.

5.4 The priority given to these issues, through the declaration of the climate and ecological emergencies, would potentially make it easier to demonstrate 'exceptional need'. However, as outlined below, exceptional need does not necessarily equate to exceptional circumstances. For example, there may be other, more suitable ways of mitigating the impacts of climate change or less harmful locations for the proposed development.

6.0 LANDSCAPE-LED APPROACH – CONTEXT

6.1 At its most basic level, a landscape-led approach to development is one in which development within the MH AONB and its setting¹³ is compatible with and, ideally, makes a positive contribution to, the statutory purpose of AONB designation, which is to conserve and enhance the natural beauty of the area. A landscape-led approach, at this level, is promoted in the MH AONB Management Plan 2019-2024, principally in Objective BDO1 "The distinctive character and natural beauty of the AONB will be fully reflected in the development and implementation of consistent statutory land use planning policy and guidance across the AONB, and in decision making on planning applications for development" and in policies BDP1, BDP2, BDP4, BDP13 and BDP14.

6.2 The first step in this process is to have regard to the purpose of AONB designation. 'Relevant authorities', including local authorities, have a statutory duty to have regard to the purpose of AONB designation in relation to any decisions or activities that may impact on an AONB¹⁴. Given that relevant authorities must have regard to the purpose of AONB designation in their decision-making, it would make sense for stakeholders who are putting forward development proposals to also have regard to this statutory purpose.

6.3 This 'duty of regard' applies from initial thinking through to more detailed planning and implementation, with the expectation that adverse impacts will be (i) avoided and (ii) mitigated where possible¹⁵. The duty of regard is addressed in the MH AONB Management Plan 2019-2024., including in the Introduction and in Chapter 7. This clarifies that the MH AONB Joint Advisory Committee have endorsed the Management Plan and relevant local authorities have formally adopted it; "All relevant Local Development Plans now recognise the need for development proposals to be informed by [the MH AONB Management Plan]".

¹³ The Malvern Hills AONB Joint Advisory Committee's Position Statement "*Development And Land Use Change In The Setting Of The Malvern Hills AONB*" defines the setting of the AONB as "the area within which development and land management proposals, by virtue of their nature, size, scale, siting, materials or design could be considered to have an impact, either positive or negative, on the natural beauty and special qualities of the Malvern Hills AONB and/or on peoples' enjoyment of it". Relevant considerations include potential impacts of development outside the AONB on: views from and to the AONB; the dark skies of the AONB (e.g. light pollution); and the tranquillity of the AONB (e.g. noise and traffic levels).

¹⁴ Section 85 of the Countryside and Rights of Way Act

¹⁵ Natural England (2010) England's statutory designated landscapes: a practical guide to your duty of regard. It is worth noting that fulfilling the duty of regard does not necessarily mean that decisions or activities will be compatible with the purpose of AONB designation.

6.4 The guidance and recommendations in this position statement are intended to help relevant authorities demonstrate this duty of regard. However, even if relevant authorities fulfil the duty of regard, there is still a risk that the resulting decisions and actions will not be compatible with the purpose of AONB designation. Therefore, the guidance and recommendations are also intended to help stakeholders progress from this 'landscape-considered' approach to a 'landscape-led approach', in which development is designed, located and implemented in a way that positively contributes to the purpose of AONB designation.

6.5 Taking a landscape-led approach can be particularly important for major development¹⁶, as this scale of development has the greatest potential to adversely affect the purpose of AONB designation. However, one of the biggest threats identified to the MH AONB comes also from the cumulative impact of numbers of small developments and even from the cumulative impact of even minor building works that do not require an application for planning permission but which proceed as 'permitted development'. Every change of appearance or use of property in the AONB has the potential to have either a positive or negative effect. For example, the replacement of a locally distinctive property boundary with ubiquitous close board fencing may not have a big impact in itself but a number of such actions will erode local character over time.

6.6 In principle, the landscape-led approach is therefore applicable to all development in the MH AONB and its setting, albeit to a degree that is proportionate to the nature, scale, setting and potential impact of the proposed development. However, the cumulative impact of even small-scale change and development should also be considered.

6.7 Consideration of landscape and visual impacts is obviously a key consideration when taking a landscape-led approach. However, as outlined below, a landscape-led approach should also consider all of the factors that contribute to the natural beauty of the MH AONB.

6.8 A number of documents are relevant to such considerations. These include MHDC's "*Malvern Hills AONB Environs Landscape and Visual Sensitivity Study*" (May 2019), the MH AONB Management Plan, and various MH AONB guidance papers such as the Partnership's "*Position Statement 1: Development And Land Use Change In The Setting Of The Malvern Hills AONB*" (Nov 2019), the draft "*Guidance on the key principles of good development within the Malvern Hills AONB and its Setting*",

¹⁶ Major development, in this context, primarily relates to the definition of major development in footnote 60 of the NPPF (i.e. 'For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined") However, that status is only clarified once a planning application has been submitted and the case officer has assessed the application. That is too late a point in the process to apply the landscape-led approach outlined in this position statement and in Chapter 7 of the Malvern Hills AONB Management Plan 2019-2024, with particular regard to Objective BDO1. Therefore, we recommend that the landscape-led approach for major development should be applied to major development as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

“Identifying and Grading Views and Viewpoints”, “How Development can respect Landscape in Views”.

7.0 RECOMMENDATIONS – LANDSCAPE-LED APPROACH

7.1 Landscape and Visual Sensitivity and Capacity

7.1.1 At the planning policy stage (Local Plans and Neighbourhood Development Plans¹⁷):

- A landscape and visual sensitivity and capacity study (LSCA)¹⁸ and/or Landscape Visual Impact Assessment (as appropriate) should be undertaken for all relevant sites (or land cover parcels) in the MH AONB and its setting where the potential for development is being assessed as part of the development plan process¹⁹.
- This study should assess the sensitivity of these sites to types and scales of development being considered. The cumulative impact of development of the sites should be considered.
- Where such studies identify that the sensitivity of the landscape to specific types and scales of development is high, or medium-high (and where any development impacts could not be fully mitigated), the development should be deemed to exceed the capacity of the landscape to accommodate that development²⁰.
- Where the identified landscape sensitivity is below these thresholds, assessments should be made of the specific quantum of development that could theoretically be accommodated on these sites, based on appropriate assumptions (for example, assumptions relating to design, density, layout, etc.).
- Where the ‘land cover parcels’ that are used in the assessment are refined to smaller scale potential allocation sites, a further, site specific iteration of the LVSCS should be undertaken.
- In order to maintain some landscape capacity for future development, not all of the sites that are considered to have landscape capacity for development should be allocated in one iteration of the development plan.

7.1.2 At the development management stage:

Commented [CT1]: The usual acronym is LSCA (ie assessment, not study), although we sometimes add the V for visual - but the LSCA doesn't assess effects from VPs in the same way as LVIA / LVA. Also, re the footnote, NE's document doesn't deal with capacity, only sensitivity. Happy to discuss!

Commented [CT2]: I've just seen the ref to LVIA / LVA in 7.1.2 but will leave the original note here as you can maybe swap the wording around. Technically, LVIA is only carried out when development is EIA, otherwise it's a landscape and visual appraisal (LVA). Maybe say 'LVIA / LVA (as appropriate), in accordance with published LVIA and other guidance, should be...'

Commented [CT3]: If going down that route, you should state that robust criteria should be used in making these judgements

Commented [CT4]: Mention mitigation, and enhancement as well?

¹⁷ For Neighbourhood Development Plans, it may be possible to utilise relevant information from landscape and visual sensitivity and capacity assessments that have been undertaken as part of the Local Plan evidence base.

¹⁸ Relevant guidance is provided in Natural England's 'An approach to landscape sensitivity assessment – to inform spatial planning and land management'

¹⁹ For example, Landscape and Visual Sensitivity and Capacity Studies should be undertaken as part of the Strategic Housing and Employment Land Availability Process and when identifying suitable areas for renewable energy. Such studies would then form part of the development plan evidence base, available on the relevant local authority website.

²⁰ This approach is applied in the South Downs National Park, as outlined in paragraph 4.19 of the Landscape Background Paper for the South Downs Local Plan: 'A site assessed as having high landscape sensitivity, or medium-high landscape sensitivity where any development impact could not be fully mitigated, were generally found unsuitable for housing development'. A relevant resource for the Malvern Hills AONB would be the 2019 MHDC *Malvern Hills AONB Environs Report Landscape and Visual Sensitivity Study* which forms part of the evidence base for the South Worcestershire Development Plan.

- Landscape and Visual Impact Assessments (LVIAs) should be undertaken for all development that requires an Environmental Impact Assessment (EIA)²¹.
- Landscape and Visual Appraisals (LVAs) should be undertaken for other development in the MH AONB and its setting that have the potential to cause adverse landscape and visual impacts²². The nature of such appraisals should be proportionate to the likely potential for adverse impact.
- All LVIA and LVAs should be consistent with the guidance published by the Landscape Institute and the Institute of Environmental Assessment.
- The cumulative impact of the development proposals, in the context of previous development and small scale changes, on the AONB should be considered.
- Where a LVIA or LVA identifies that a development in the MH AONB would have 'significant' or 'moderate-significant' effects, such development should be deemed to constitute 'major development' and national planning policy (paragraph 177) should apply.
- A landscape-led vision, overarching design principles, scheme objectives and sub-objectives should be developed and agreed for major development proposals at an early stage in the process and applied in the design, budgeting, assessment and implementation of the scheme.

7.1.3 At both stages:

- The MH AONB should be accorded the highest 'value' in the LVSCS and LVIA / LVA assessments, albeit with some consideration being given to the degree to which the criteria and factors used to support the case for AONB designation are represented in the specific study area²³.
- The area of landscape that needs to be covered in assessing landscape effects should include the site itself and the full extent of the wider landscape around it which the proposed development may influence in a significant manner²⁴.
- Great weight should be given to landscape and scenic beauty, in line with paragraph 176 of the NPPF²⁵.

²¹ LVIAs should comply with the requirements of the Environmental Impact Assessment (EIA) Regulations and with the Landscape Institute's 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA).

²² The format of such an appraisal may not need to satisfy the formal requirements of an EIA but should, as a minimum set out any effects on the landscape and views, and proposed mitigation, in a rational way so that it can be fully considered through the planning process.

²³ The Landscape Institute's 'Guidelines for Landscape and Visual Impact Assessment' identify that 'landscapes that are nationally designated [including AONBs] will be accorded the highest value in the assessment' (paragraph 5.47), albeit that some consideration should be given to the 'degree the criteria and factors used to support the case for designation are represented in the specific study area' (paragraph 5.23). So, for example, if the value of the landscape receptor is classed as 'very high' (because of the AONB designation) and the susceptibility to the proposed change is classed as 'medium', then the overall sensitivity of the landscape receptor would be 'high'. The (very) high 'value' of the AONB designation means that the adverse effects of a development proposal within an AONB are likely to be more significant than an equivalent development proposal, in an equivalent landscape character area, outside the AONB.

²⁴ This definition is provided in paragraph 20 of Appeal Decision APP/R3650/W/16/3165974 and re-iterated in paragraph 21 of the High Court decision for Monkhill Ltd v Secretary of State for Housing, Communities And Local Government [2019] EWHC 1993 (Admin)

²⁵ This applies to development within the MH AONB and to development outside the AONB that has the potential to adversely affect views to or from the AONB.

- The mandatory major development ‘tests’ specified in paragraph 177 of the NPPF should be rigorously applied for all allocations / development proposals that are deemed to be major development.
- It should be recognised that ‘exceptional need’ does not necessarily equate to ‘exceptional circumstances’.

7.2 Natural Beauty²⁶

7.2.1 All of the factors that contribute to the natural beauty of the MH AONB should be fully considered and assessed at all stages of the development process, including planning policy and development management. These factors are:

- landscape quality / beauty;
- scenic quality / beauty;
- relative tranquillity (including ‘dark skies’);
- relative wildness;
- natural heritage (including ‘biodiversity’);
- cultural heritage (including ‘historic environment’);
- the special qualities of the MH AONB

7.2.2 These factors should be assessed:

- individually (i.e. in their own right, in the context of national planning policy and relevant best practice guidance);
- collectively (i.e. in terms of their contribution to the AONB designation); and
- cumulatively (i.e. in terms of the increasing level of significance associated with the presence of – or potential impacts on - multiple factors).

7.2.3 Development proposals should (be required to) make a positive contribution to conserving and enhancing the natural beauty of the MH AONB, over and above the baseline condition (i.e. delivering a net-benefit for natural beauty)²⁷.

7.2.4 Measures to conserve and enhance the natural beauty of the MH AONB (to deliver a net-benefit for natural beauty) should be integrated into the planning, design, implementation and management of a proposed development from the development’s inception.

²⁶ An explanation of ‘natural beauty’, the factors that contribute to it and its relationship with ‘landscape’ is provided in the Natural England publication ‘Guidance for assessing landscapes for designations as National Park or Area of Outstanding Natural Beauty in England’. When consideration is given to the MH AONB in planning applications and planning decisions, this consideration tends to focus almost exclusively on landscape and visual impacts. However, the statutory duty to have regard to the purpose of AONB designation relates to all of the factors that contribute to the area’s natural beauty, including cultural heritage and natural heritage. As such, these issues should be addressed in the context of their contribution to the natural beauty of the MH AONB as well as in their own right, both individually and cumulatively.

²⁷ The Landscape Institute’s ‘Guidelines for Landscape and Visual Impact Assessment’ (paragraph 4.35) explains that ‘enhancement’, in the context of individual development proposals, means improving ‘the [natural beauty] of the proposed development site and its wider setting, over and above its baseline condition’ (N.B. Underlining added for emphasis).

7.3 Environmental Impact Assessment (EIA)²⁸

7.3.1 Development in the MH AONB that is listed in Schedule 1²⁹ of the EIA regulations should be classed as major development (see 'Major Development' above), as should Schedule 2³⁰ development that is deemed to require an EIA.

7.3.2 Screening for development listed in Schedule 2 of the EIA regulations should be rigorously applied. Within the 'sensitive area' of the MH AONB, this should apply even for Schedule 2 development that is below the 'applicable thresholds and criteria'.

7.3.3 The process for screening of Schedule 2 development should be closely aligned with the process for screening major development.

7.3.4 Schedule 2 developments that are deemed to constitute major development, in the context of paragraph 177 of the NPPF, are likely to merit an EIA.

7.4 Malvern Hills AONB Management Plan And Other Partnership Guidance

7.4.1 Development in the MHAONB and its setting should have regard to, be consistent with and help to deliver the MH AONB Management Plan and other guidance published by the Partnership, including:

- Malvern Hills AONB *Landscape Strategy and Guidelines*
- Malvern Hills AONB *Guidance on Identifying and Grading Views and Viewpoints*
- Malvern Hills AONB *Guidance on How Development can respect Landscape in Views and Viewpoints*
- Joint Advisory Committee Position Statement 1: *Development and Land Use Change in the Setting of the Malvern Hills*
- Malvern Hills AONB *Building Design Guide*
- Malvern Hills AONB *Selection and Use of Colour*
- Malvern Hills AONB *Guidance on Lighting*
- Other Malvern Hills AONB Partnership Position Statements.
- Malvern Hills AONB *Guidance on the key principles of good development within the Malvern Hills AONB and its Setting* (draft document in development)

7.4.2 Other relevant information includes:

- Malvern Hills District Council Malvern Hills AONB *Environs Landscape and Visual Sensitivity Study* (May 2019, White Consultants),

8.0 SUPPORTING INFORMATION

²⁸ Appendix 4 provides a flowchart of how natural beauty, major development, EIA regulations, national planning policy and the MH AONB Management Plan and associated guidance should be addressed in relation to development proposals in the MH AONB and its setting.

²⁹ <https://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made>

³⁰ <https://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>

This Position Statement is supported by two appendices (as a separate document), which provide:

- Case studies of best-practice with regards taking a landscape-led approach (Appendix 1).
- A flowchart of how natural beauty, major development, EIA, national planning policy, the MH AONB Management Plan and Partnership guidance should be addressed in development proposals and decision making (Appendix 2).

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